



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4996 of 2023

Rajesh Patel

... Petitioner /
Accused Rank not known

Vs

The State rep by
The Inspector of Police,
Courtallam Police Station
Tenkasi District.
(Crime No.24/2023).

... Respondent / Complainant

For Petitioner : M/s. R.J.Karthick, Advocate.

For Intervenor : M/s.P.M.Vishnuvardhanan, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.24/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 324, 427, 366, 506(ii) of IPC @ 120(B), 147, 212, 294(b), 324, 366, 427 and 506(ii) of IPC in Crime No. 24 of 2023 in Crime No. 24 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Vineeth is that he is working as a Software Engineer and there was a love affair between him and one Kuruthika Patel, who is the daughter of Al. Since he belongs to a different community, her family was against their love and thereby, he and the said Kuruthika Patel got married and got married on 27.12.2022 at Nagercoil. Meanwhile,



the first accused lodged a complaint regarding marriage is daughter and thereby, the defacto complainant and his wife came to the Police station for enquiry. During enquiry, Kuruthika Patel had informed that she is living with the defacto complainant. Whereas, on 14.01.2023, when they went to the hospital, the first and second accused quarrelled with them. Therefore, the defacto complainant had lodged a complaint and an enquiry was conducted. On 25.01.2023, the defacto complainant, his wife, his father and his brother have come to the Police Station and attended the enquiry and returned to their home in his car bearing Registration No.TN 76 AE 2328. When the car was nearing to Elanji Alan Chips Shop at about 02.30 p.m., the accused persons came in a car bearing Registration No.TN 76 AC 6363, dashed the defacto complainant's car and caused damages to the left side windshield of the car, by an iron rod. Apprehending life threat, the defacto complainant and others went into the Ragavendra Timber Shop's office, where the accused persons followed them, abused and assaulted the defacto complainant's party and also kidnapped his wife/victim in their Car and fled away. Hence, the complaint.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner is not a named accused in the First Information Report. Another Rajesh Patel S/o.Lalith Patel is arrayed as A5. The petitioner herein is arrayed as A12. Though the case was used in the crime, it was taken without his consent. Further the petitioner was not present in the scene of occurrence and his involvement is not proved by the prosecution. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Shenkottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall respond to police daily at 10.30 am., for a period of two weeks and thereafter as and when required for

<https://www.mca21.com> on.



[c] the petitioner shall not tamper with evidence or either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/03/2023

/ TRUE COPY /

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Judicial Magistrate, Shenkottai.

2.Do through the Chief Judicial Magistrate, Tirunelveli District.

3.The Inspector of Police,
Courtrallam Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VISHNUVARTHANAN. PM, Advocate (SR-4411[I] dated
16/03/2023)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-4436[I] dated 17/03/2023)

ORDER
IN

CRL OP(MD) No.4996 of 2023
Date :16/03/2023

ED/MMS/SAR-3 (21/03/2023) 3P 7C